

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LUIS ALBERTO FRAUSTO-
GONZALEZ,

§
§
§

Plaintiff,

§ CIVIL ACTION NO. 5:22-CV-00047-RWS-
§ JBB

v.

WARDEN S. SALMONSON,

§
§
§

Defendants.

ORDER

Petitioner Luis Alberto Frausto-Gonzalez, an inmate confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable J. Boone Baxter, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the above-styled petition be dismissed without prejudice.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation have been filed.¹ Thus, any aggrieved party is barred from *de novo* review by the district court of the proposed findings and recommendations of the Magistrate Judge.

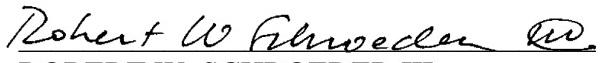
¹ It is noted that the copy of the July 20, 2022 Report and Recommendation mailed to Petitioner was returned to the Court with the notation “Return to Sender-Not at Federal Correctional Inst. Return to Sender.” See Docket No. 7. Petitioner, however, has failed to provide the Court with a current address at which he may be contacted.

Because the petitioner did not file objections to the Report and Recommendation, this Court reviews the Magistrate Judge's findings of fact and conclusions of law for plain error. *Rodriguez v. Bowen*, 857 F.2d 276, 276-77 (5th Cir. 1988). There being no grounds of plain error or manifest injustice, the Court hereby adopts the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court.

For the reasons set forth above, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the Court **ADOPTS** the Report (Docket No. 6) as the opinion of the Court. It is further

ORDERED that this petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. A final judgment shall be rendered in accordance with the Magistrate Judge's recommendation.

So ORDERED and SIGNED this 21st day of September, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE